

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 27, 2007**

**DIVISION ONE**

B187640      Vera Cardenas                      (Not for Publication)  
                 v.  
                 Leonard Torres

As to Torres, the judgment is reversed as to the third and fifth causes of action, and as to the separate award of \$171,000 on the third cause of action. The remainder of the judgment is modified to provide that the award of damages on the first cause of action is payable to the Estate of Vera Cardenas. As so modified, it is affirmed. Defendant is to recover costs on appeal.

Jackson, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                 Vogel (Miriam A.), J.

B190704      People                                      (Not for Publication)  
                 v.  
                 Bryan P.

The conditions of probation are modified to provide that defendant not “remain in the presence of any person he knows to be unlawfully armed,” and that he “stay away from places where he knows users congregate.” As so modified, the order is affirmed.

Jackson, J. (Assigned)

We concur:   Vogel (Miriam A.), Acting P.J.  
                 Rothschild, J.

February 27, 2007 (Continued)

## DIVISION ONE (Continued)

B189654 People (Not for Publication)

V.

Ciria Gonzalez

The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                    Jackson, J. (Assigned)

B192768 People (Not for Publication)

V.

Christopher McCord

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.  
Rothschild, J.

B188383 People (Not for Publication)

V.

Steven A. Goode

The judgment is affirmed.

Jackson, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B189719 William P. Foster (Not for Publication)

v.

Carol L. Foster

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.  
Rothschild, J.

B182622 Kaloustian (Not for Publication)

v.

Michael et al.

The February 25, 2005 order is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.  
Rothschild, J.

B184868 Bromley (Not for Publication)

v.

Azarbaydjani

The order is reversed. The parties are to bear their own costs on appeal.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.  
Rothschild, J.

February 27, 2007 (Continued)

## DIVISION ONE (Continued)

B192788 People (Not for Publication)

V.  
Afonin

The judgment is affirmed.

Jackson, J. (Assigned)

We concur:   Mallano, Acting P J.  
                      Vogel (Miriam A.), J.

B192145 People (Not for Publication)

V.  
Briseno

The judgment is affirmed.

Jackson, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Rothschild, J.

B191067      Los Angeles County, D.C.S.      (Not for Publication)

B192026      v.  
James B.

The appeal is dismissed.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                      Jackson, J. (Assigned)

February 27, 2007 (Continued)

DIVISION TWO

B187067 People (Not for Publication)

v.  
Armando Polanco

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

B188431 Angelo Trotter  
v.  
Superior Court, Los Angeles County  
(Leroy Baca , r.p.i.)

Filed order denying petition for rehearing.

DIVISION THREE

B185400      Bronk      (Not for Publication)

v.  
Talrico  
Vistaprint USA, Inc., et al.

The order is affirmed. Costs on appeal are awarded to respondents.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B188161 People (Not for Publication)

V.  
Gonzales

The judgment on count 2, attempted murder, is reversed and the cause remanded for further proceedings on that charge; in all other respects, the judgment is affirmed

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B185681 Telenda et al. (Not for Publication)

V.  
NM Homes One, Inc.

The judgment is reversed. The Telendas are to have their costs on appeal.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B174512 O'Neill et al. (Certified for Publication)

V.  
Novartis Consumer Health, Inc.

The judgment is affirmed. Respondent is to have its costs on appeal.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

February 27, 2007 (Continued)

DIVISION FOUR (Continued)

B186035      Mendez      (Not for Publication)

v.

Toys R Us, Inc., et al.

The judgment is affirmed. Respondent is to have its costs on appeal.

Manella, J.

We concur:   Epstein, P.J.  
                     Suzukawa, J.

B190162      Plumb et al.      (Not for Publication)

v.

City of Los Angeles  
Sherif J. Diab

The judgment is affirmed. Respondents are awarded their costs.

Manella, J.

We concur:   Willhite, Acting P.J.  
                     Suzukawa, J.

DIVISION FIVE

B190433      Alice Adams      (Not for Publication)

v.

Saatchi & Saatchi North America, Inc.,

The judgment is affirmed. Defendant, Saatchi & Saatchi North America, Inc., shall recover its costs incurred on appeal from plaintiff, Alice Adams.

Turner, P.J.

I concur:      Armstrong, J.

I concur and dissent:      Mosk, J. (Opinion)

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B189111 People (Not for Publication)  
v.  
White

The sentence is vacated and the matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B192357 People (Not for Publication)  
v.  
Coker

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.



February 27, 2007 (Continued)

## DIVISION SIX (Continued)

[illegible]

The order awarding City of Santa Barbara \$72,884.69 restitution is stricken. The trial court is directed to issue an amended abstract of judgment reflecting that appellant is ordered to pay \$72,884.69 victim restitution to John Weninger. As modified, the judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

## DIVISION SEVEN

B188512 People (Not for Publication)  
v.  
Burnside

The matter is remanded for resentencing on count 2. The judgment is otherwise affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B189959      Sique Corporation                      Not for Publication)  
                 v.  
                 Farmers Insurance Group

The judgment is affirmed. Farmers shall collect its costs on appeal.

Zelon, J.

We concur:   Perluss, P.J.  
                 Johnson, J.

B188140      People    (Not for Publication)  
                 v.  
                 Lopez

The order revoking defendant's probation and imposing sentence is reversed.

Zelon, J.

We concur:   Johnson, Acting P.J.  
                 Woods, J.

B190796      BCBG Max Azaria Group, Inc.                      (Not for Publication)  
                 v.  
                 West Farms Mall, LLC et al.

The judgment is affirmed. Respondent shall recover its costs and attorney fees on appeal.

Zelon, J.

We concur:   Johnson, Acting P.J.  
                 Woods, J.

DIVISION SEVEN (Continued)

B191617      In re Nicholas A., a Minor                      (Not for Publication)  
                 Los Angeles County, D.C.S.  
                 v.  
                 Jesus A.

The judgment is affirmed.

Zelon, J.

We concur:   Perluss, P.J.  
                 Johnson, J.

DIVISION EIGHT

Court convened at 9:05 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B189487      People v. Avila  
B191622      DCFS v. Martha N.  
B191852      People v. Williams  
B191989      People v. Silla  
B192438      DCFS v. Heather M.  
B186285      People v. Reyes  
B187559      People v. Johnson  
B188576      People v. Lynch & Parks  
B190604      DCFS v. Rosemary M.  
B195113      Johanna E. v. SCLA and (DCFS)

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B188994      Skowron et al.,  
                 v.  
                 City of Santa Monica Rent Control Board

Merits:

Argued by Robert J. Franklin for appellants and by Keith J. Kresge for respondent. Cause submitted.

B186396      Esteki  
                 v.  
                 Tarrah et al.,

Merits:

Argued by B. Kwaku Duren for appellant and by Amy Filed, Deputy City Attorney for respondents. Cause submitted.

Court recessed at 10:05 a.m.

Court reconvened at 10:34 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B190075      In re Arredondo  
                 On  
                 Habeas Corpus

Merits:

Argued by Alan Stern for petitioner and by Timothy Weiner, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B185842      Twin Med, Inc.,  
                 v.  
                 JPH Management et al.,

Merits:

Argued by Michael Abramson for appellant and by Robert P. Weiss for respondents. Cause submitted.

Boland, J., left the bench at 11:34 a.m.

B188848      Castillo,  
                 v.  
                 City Of Los Angeles

Merits:

Argued by Carlos Lloreda for appellant and by Kim Westhoff, Deputy City Attorney for respondent. Cause submitted.

Court recessed at 11:46 a.m.

Court reconvened at 1:10 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B182885      Manco Contracting Co.,  
                 v.  
                 Bezdikian

Merits:

Argued by Gerald M. Serlin for appellant and by Gary A. Nye for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B188579     Saint Matthew's Churches,  
              v.  
              Kachavos,

Merits:

Argued by Joseph E. Deems for appellant and by Jeffrey A. Miller for respondent. Cause submitted.

Cooper, P.J., left the bench at 2:19 p.m.

B186707     Levitz,  
              v.  
              The Warlocks et al.

Merits:

Argued by Derek Lemkin for appellant and by Lisa Bassis for respondents. Cause submitted.

B188740     Simon Marketing, Inc., et al.,  
              v.  
              Gulf Ins. Co. et al.,

Merits:

Argued by Catherine Rivard for appellants and by David DiBiase for respondent and Gilbert Jensen for respondents. Cause submitted.

Each of the following:

B190718     Kuist v. Bedrosian  
B186346     San Remo Funding Group v. Mako Fund, Inc.

Matter continued to March 27, 2007, at 9:00 a.m.

February 27, 2007 (Continued)

## DIVISION EIGHT (Continued)

Each of the following:

B189721 People v. Juan T.

B183966 Steven M. Garber & Associates v. Eskandarian et al.

Matter continued to March 27, 2007, at 1:00 p.m.

B187386 Gallanis-Politis v. Medina et al.

Matter continued to March 28, 2007, at 1:00 p.m.

Court adjourned.

B191866 People (Not for Publication)  
v.  
Edwards

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B183655 People (Not for Publication)  
v.  
Ralph M.,

The order sustaining the petition is reversed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

DIVISION EIGHT (Continued)

B191802      Kinakosian et al.,                      (Not for Publication)  
                 v.  
                 Corey

The order is affirmed in part, reversed in part, and remanded with directions to the trial court to issue a written order reciting in detail the conduct or circumstances justifying the award of costs and attorney fees and the amount to be awarded. The parties are to bear their own costs on appeal.

Boland, J.

We concur:    Rubin, Acting P.J.  
                 Flier, J.

B182096      Asfaw,    (Certified for Partial Publication)  
                 v.  
                 Woldberhan

The judgment is affirmed in part and reversed in part and remanded. The cause is remanded to the trial court with directions to: (1) Recalculate child support consistent with the views expressed herein including (a) denying any deduction from rental income for depreciation; (b) treating father as the owner of 100 percent of all five properties discussed; (c) imputing income on the proceeds of the refinancing transactions; (d) determining whether father had income from coin operated machines; and (e) considering whether father was receiving actual or in kind management fees; and (2) Make specific findings as to the apportionment of the children's uninsured medical expenses. Mother shall recover her costs on appeal.

Rubin, J.

We concur:    Cooper, P.J.  
                 Boland, J.



February 27, 2007 (Continued)

DIVISION EIGHT (Continued)

B189876     Paul Kouri et al.,  
              v.  
              Superior Court, Los Angeles County  
              (BDO Seidman, LLP, r.p.i.)

Filed order vacating submission order of November 28, 2006. Cause resubmitted.